

LEONARD  
STREET  
AND  
DEINARD

225742

150 SOUTH FIFTH STREET SUITE 2300  
MINNEAPOLIS, MINNESOTA 55402  
612-335-1500 MAIN  
612-335-1657 FAX

W. KARL HANSEN  
612-335-7088 DIRECT  
KARL.HANSEN@LEONARD.COM

September 14, 2009

Honorable Anne Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423



**Re:    *Abandonment of Trackage in Waukesha and Milwaukee Counties, Wisconsin***  
**STB Docket No. AB-57 (Sub-No. 58X)**

Dear Secretary Quinlan:

Please find enclosed for filing the unbound original and ten copies of Soo Line Railroad Company's Environmental and Historic Reports plus three electronic copies pursuant to 49 C.F.R. Part 1105. A copy of the transmittal letter pursuant to 49 C.F.R. § 1105.11 is also enclosed.

I also enclose a duplicate copy of this letter and self-addressed stamped envelope to be stamped with the filing date and returned to the undersigned.

Please contact me if you have any questions.

Very truly yours,

LEONARD, STREET AND DEINARD

W. Karl Hansen

Enclosure

cc:    Parties on the Attached Service List  
      Bill Tuttle  
      Judy Mitchell  
      Steve Fisk  
      David Drach

**ENTERED**  
**Office of Proceedings**

SEP 17 2009

**Part of**  
**Public Record**

Appropriate Regional Office(s) of the  
U.S. Environmental Protection Agency

Mr. Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3507  
Tel. (312) 353-2000

U.S. Fish and Wildlife Service

Mr. Tom Melius  
Regional Director  
(Region 3)  
U.S. Fish and Wildlife Service  
One Federal Drive  
Fort Snelling, MN 55111-4056  
Tel. (651) 713-5360

U.S. Army Corps of Engineers - Detroit, MI District Office

Lieutenant Colonel James B. Davis  
District Commander, Detroit District  
U.S. Army Corps of Engineers  
477 Michigan Avenue  
Detroit, MI 48226  
Tel. (313) 226-6413

National Park Service

Mr. Ernie Quintana  
Regional Director  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226  
Tel. (402) 661-1524

U.S. Soil and Conservation Service

USDA Natural Resources Conservation Service  
8030 Excelsior Drive, Suite 200  
Madison, WI 53719-2906  
Tel. (608) 662-4422

National Geodetic Survey and U.S. Geological Survey

Ms. Juliana Blackwell  
Director  
National Geodetic Survey  
NOAA, N/NGS 12  
SSMC-3, #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282  
Tel. (301) 713-3242

Ms. Suzette M. Kimball  
Acting Director  
U.S. Geological Survey Headquarters  
John W. Powell Federal Building  
12201 Sunrise Valley Drive  
Reston, VA 20192  
Tel. (703) 648-7411

**STATE AGENCIES CONSULTED**

State Clearinghouse

Wisconsin Department of Administration  
IGA relations  
101 East Wilson Street, 6th Floor  
P.O. Box 7868  
Madison, WI 53707-7868

State Department of Transportation for Wisconsin

Mr. Frank Busalacchi  
Secretary  
Wisconsin Department of Transportation  
Hill Farms State Office Building  
4802 Sheboygan Avenue  
P.O. Box 7910  
Madison, WI 53707-7999

State Environmental Protection Agency for Wisconsin

Wisconsin Department of Natural Resources  
101 South Webster Street  
Madison, WI 53707-7921

State Water Quality Official

Section Chief Bob Masnado  
Water Evaluation Section  
Wisconsin Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921  
Telephone: (608) 267-7662

State Historic Preservation Office for Wisconsin

Wisconsin Historical Society  
816 State Street  
Madison, WI 53706  
Tel. (608) 264-6400

State Coastal Zone Management Agency

Wisconsin Coastal Management Program  
P.O. Box 8944  
101 East Wilson Street  
Madison, WI 53708-8944  
Tel. (608) 267-7982

Other Political Entities and/or Indian Reservations through which the line runs

WAUKESHA COUNTY

Chief Executive

County Administrator  
Department of Administration  
1320 Pewaukee Road, Room 320  
Waukesha, WI 53188  
Tel. (262) 548-7020

MILWAUKEE COUNTY

Chief Executive

County Executive Scott Walker  
901 N. 9th Street  
Courthouse, Room 306  
Milwaukee, WI 53233-1458  
Tel. (414) 278-4211

Regional Railroad Authority

Southeastern Wisconsin Regional Transit Authority  
W239 N1812 Rockwood Drive  
P.O. Box 1607  
Waukesha, WI 53187-1607

CITY OF WAUWATOSA

City of Wauwatosa  
7725 West North Avenue  
Wauwatosa, WI 53213  
Telephone: (414) 471-8484

VILLAGE OF ELM GROVE

Village of Elm Grove  
Department of Building, Planning and Zoning  
13600 Juneau Boulevard  
Elm Grove, WI 53122  
Telephone: (262) 782-6700

LEONARD  
STREET  
AND  
DEINARD

150 SOUTH FIFTH STREET SUITE 2300  
MINNEAPOLIS, MINNESOTA 55402  
612-335-1500 MAIN  
612-335-1657 FAX

W. KARL HANSEN  
612-335-7088 DIRECT  
KARL.HANSEN@LEONARD.COM

September 14, 2009

To: Persons on the attached Service List

Re: *Soo Line Railroad Company – Notice of Intent to File Notice of Exemption - Abandonment of Trackage in Waukesha and Milwaukee Counties (U.S. Postal Zip Codes 53005, 53122, AND 53226) - STB Docket No. AB-57 (Sub-No. 58X)*

Dear Sir/Madam:

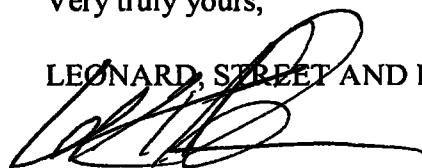
On or about October 5, 2009 Soo Line Railroad Company ("Soo Line") expects to file with the Surface Transportation Board ("STB") a Verified Notice of Exemption seeking authority to abandon approximately 4,458 feet of rail line located in Waukesha and Milwaukee Counties between Milepost 94.04 +/- (southeast of Watertown Plank Road) and Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road). Attached is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Soo Line is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street NW, Washington, DC 20423, telephone (202) 245-0295 and refer to the above Docket No. AB-57 (Sub-No 57X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 20 days.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned directly.

Very truly yours,

LEONARD, STREET AND DEINARD



W. Karl Hansen  
Enclosures

6329962v1

LAW OFFICES IN MINNEAPOLIS • MANKATO • ST. CLOUD • WASHINGTON, D.C.

A Professional Association  
WWW.LEONARD.COM

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.



SOO LINE RAILROAD COMPANY – )  
ABANDONMENT OF TRackage )  
LOCATED IN WAUKESHA AND )  
MILWAUKEE COUNTIES, WISCONSIN )

DOCKET NO. AB-57  
(SUB-NO. 58X)

225742

VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
A 4,458 +/- FOOT LINE OF RAILROAD BETWEEN MILEPOST 94.04 +/- (SOUTHEAST  
OF WATERTOWN PLANK ROAD) AND MILEPOST 93.2 +/- (APPROXIMATELY 1,100  
FEET SOUTHEAST OF WEST BLUEMOUND ROAD) WHICH TRAVERSES THROUGH  
UNITED STATES POSTAL SERVICE ZIP CODES 53005, 53122, AND 53226 IN  
WAUKESHA AND MILWAUKEE COUNTIES, WISCONSIN

ENVIRONMENTAL AND HISTORIC REPORTS  
IN COMPLIANCE WITH  
49 C.F.R. PART 1105

ENTERED  
Office of Proceedings

SEP 17 2009

Part of  
Public Record

SOO LINE RAILROAD COMPANY  
(d/b/a Canadian Pacific Railway)

LEONARD, STREET and DEINARD  
Professional Association  
W. Karl Hansen  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
Tel. (612) 335-7088  
Fax. (612) 335-1657

Attorney for Applicant  
Service Date: September 14, 2009

**This Original Filing Contains Color**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.**



SOO LINE RAILROAD COMPANY – )  
ABANDONMENT OF TRackage )  
LOCATED IN WAUKESHA AND )  
MILWAUKEE COUNTIES, WISCONSIN )  
)

DOCKET NO. AB-57  
(SUB-NO. 58X)

VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
A 4,458 +/- FOOT LINE OF RAILROAD BETWEEN MILEPOST 94.04 +/- (SOUTHEAST  
OF WATERTOWN PLANK ROAD) AND MILEPOST 93.2 +/- (APPROXIMATELY 1,100  
FEET SOUTHEAST OF WEST BLUEMOUND ROAD) WHICH TRAVERSES THROUGH  
UNITED STATES POSTAL SERVICE ZIP CODES 53005, 53122, AND 53226 IN  
WAUKESHA AND MILWAUKEE COUNTIES, WISCONSIN

**ENVIRONMENTAL AND HISTORIC REPORTS  
IN COMPLIANCE WITH  
49 C.F.R. PART 1105**

The following information is submitted to the Surface Transportation Board by Soo Line Railroad Company ("Soo Line") d/b/a Canadian Pacific Railway in accordance with the Board's reporting requirements as set forth in 49 C.F.R. Section 1105.7, for the purpose of assisting the Board in its preparation of an environmental document regarding Soo Line's Verified Notice of Exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903, permitting the abandonment of a 4,458 +/- foot line of railroad between Milepost 94.04 +/- (southeast of Watertown Plank Road) and Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road) which traverses through United States Postal Service Zip Codes 53005, 53122, and 53226 in Waukesha and Milwaukee Counties, Wisconsin.

**REQUIREMENTS OF 49 C.F.R. SECTION 1105.7**

**Section 1105.7(b)(1) – (11) Distribution:**

- (b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on:



- (1) The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse);
- (2) The State Environmental Protection Agency of each State involved;
- (3) The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone;
- (4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;
- (5) The appropriate regional offices of the Environmental Protection Agency;
- (6) The U.S. Fish and Wildlife Service;
- (7) The U.S. Army Corps of Engineers;
- (8) The National Park Service;
- (9) The U.S. Soil Conservation Service;
- (10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and;
- (11) Any other agencies that have been consulted in preparing the report.

See List of Parties Consulted and Certificate of Service, attached as Exhibit No. 1.

**Section 1105.7(c) Certification of Service of Environmental Report:** In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

See List of Parties Consulted and Certificate of Service, attached as Exhibit No. 1.

**Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon:** Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The *Milwaukee Journal Sentinel* published the Notice for Publication specified at 49 C.F.R. § 1105.12 on September 3, 2009. A copy of the newspaper notice, Certificate of Counsel, and Affidavit of Publication are attached as Exhibit No. 2.

**Section 1105.7(d) Documentation:** Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

All the agencies referenced at 49 C.F.R. Section 1105.7(b) were contacted by letters dated August 27, 2009 to solicit comments. See Exhibit Nos. 1 and 4. Responses received to date have been incorporated along with Soo Line's analysis. Copies of responses are attached as Exhibit No. 3. Subsequent written comments may be received by the SEA and Soo Line.

Status of written and oral comments received:

1105.7(b)(1) State Clearinghouse:

The Clearinghouse for the State of Wisconsin was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(2) State Environmental Protection Agency:

The Wisconsin Department of Natural Resources was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(3) State Coastal Zone Management Agency for North Dakota:

The Wisconsin Department of Administration Coastal Zone Management Program was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(4) Head of Each County Through Which The Line Goes:

The head of each county through which the line goes were contacted by letter on August 27, 2009, but no responses have been received to date.

1105.7(b)(5) Appropriate Regional Offices of the Environmental Protection Agency:

The Acting Regional Director of the U.S. Environmental Protection Agency was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(6) U.S. Fish and Wildlife Services:

The Regional Director of U.S. Fish and Wildlife Service was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(7) U.S. Army Corps of Engineers:

The Detroit District Office of the U.S. Army Corps of Engineers was contacted by letter on August 27, 2009, and its response is included in Exhibit No. 3.

1105.7(b)(8) National Park Service:

The Regional Director of the National Park Service was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(9) U.S. Soil Conservation Service:

The USDA Natural Resources Conservation Service was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(10) National Geodetic Survey:

The Director of the National Geodetic Survey was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(10) U.S. Geological Survey:

The Acting Director of the U.S. Geological Survey was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(b)(11) Other agencies consulted:

The Section Chief of the State Water Quality Official, Section Chief, Water Evaluation Section, Wisconsin Department of Natural Resources, was contacted by letter on August 27, 2009, but no response has been received to date.

1105.7(e)(3) Local and Regional Planning Activities:

The Southeastern Wisconsin Regional Transit Authority, the City of Wauwatosa, and the Village of Elm Grove were contacted by letter on August 27, 2009, but no response has been received to date.

Other Comments Received:

The City of Brookfield, Wisconsin indicated its support for the abandonment in correspondence dated September 4, 2009, included in Exhibit No. 3.

Section 1105.7(e) Content: The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under § 1105.8, the Environmental Report should also include the Historic Report required by that section.

The Historic Report pursuant to 49 C.F.R. § 1105.8 is attached as Exhibit No. 5.

Section 1105.7(e)(1) Proposed Action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that

may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The proposed action is the abandonment of 4,458 feet of track in Waukesha and Milwaukee Counties, Wisconsin. The track has been out of service and no traffic has moved over the line for over two years. Any overhead trackage has already been rerouted over other lines. Following abandonment, any remaining ties and rails will be removed. Ties and rail will be either recycled or disposed of in an appropriate manner. A detailed map of the project is included as Appendix A to the Historic Report attached as Exhibit No. 5.

Section 1105.7(e)(2) Transportation System: Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No traffic will be diverted to other transportation systems by the abandonment of this out-of-service line of railroad.

Section 1105.7(e)(3)(i) Land Use: Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The County Administrator for Waukesha County, the County Executive for Milwaukee County, the Southeastern Wisconsin Regional Transit Authority, the City of Wauwatosa, and the Village of Elm Grove were contacted by letter on August 27, 2009, but no response from these agencies has been received to date. In correspondence dated September 4, 2009, the City of Brookfield indicated its support for the proposed abandonment. Soo Line believes that the proposed abandonment is consistent with existing land use plans.

Section 1105.7(e)(3)(ii): Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The United States Department of Agriculture's Natural Resources Conservation Service was contacted by letter on August 27, 2009, but no response has been received to date.

Section 1105.7(e)(3)(iii): If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

This action does not affect land or water uses within a designated coastal zone.

Section 1105.7(e)(3)(iv): If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The right-of-way may be suitable for alternative public use and Soo Line is negotiating an agreement to sell a portion of the corridor southeast of Bluemound Road to the Wisconsin Department of Natural Resources.

Section 1105.7(e)(4)(i) Energy: Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the development and transportation of energy resources, or on the movement and/or recovery of recyclable commodities because no such energy resources or recyclable commodities are presently transported over this line.

Section 1105.7(e)(4)(ii): Describe the effect of the proposed action on recyclable commodities.

No impact is anticipated.

Section 1105.7(e)(4)(iii): State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

No impact is anticipated.

Section 1105.7(e)(4)(iv): If the proposed action will cause diversions from rail to motor carriage of more than:

- A. 1,000 rail carloads a year; or
- B. An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information § 1105.7(e)(4)(iv) is required.

The proposed action will not cause any diversion from rail to motor carriage.

Section 1105.7(e)(5)(i) Air: If the proposed action will result in either:

- A. An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal; or
- B. An increase in rail yard activity of at least 100 percent (measured by carload activity); or

C. An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed abandonment:

A. Will not result in an increase in rail traffic of at least 100 percent or an increase of at least eight trains per day on any segment of rail line affected by the proposed abandonment.

B. Will not result in an increase in rail yard activity of at least 100 percent (measured by carload activity).

C. Will not result in an average increase in truck traffic by 10 percent or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(ii): If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

A. An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line;

B. An increase in rail yard activity of at least 20 percent (measured by carload activity); or

C. An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment:

A. Will not result in an increase in rail traffic of at least 50 percent or an increase of at least three trains per day on any segment of rail line affected by the proposed abandonment.

B. Will not result in an increase in rail yard activity of at least 20 percent (measured by carload activity).

C. Will not result in an average increase in truck traffic by 10 percent or 50 vehicles per day for any affected road segment.

**Section 1105.7(e)(5)(iii):** If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency or service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Transportation of ozone depleting materials are not involved.

**Section 1105.7(e)(6) Noise:** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or
- (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

None of the thresholds identified in item (5)(i) of this section will be surpassed.

**Section 1105.7(e)(7)(i) Safety:** Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Public health and safety will not be affected adversely by the proposed abandonment.

**Section 1105.7(e)(7)(ii):** If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

No hazardous materials are currently transported over this line segment.

**Section 1105.7(e)(7)(iii):** If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or hazardous material spills on the right-of-way. In August 2009, a Phase I Environmental Site Assessment ("ESA") identified one recognized environmental condition ("REC") on-site -- a 16-inch petroleum pipeline owned by West Shore Pipeline, LLC that crosses the right-of-way. Information from the Wisconsin Department of Natural Resources ("WDNR") indicates that a petroleum release from the pipeline occurred in approximately 1986 from a point located north of the right-of-way and did not

affect the right-of-way. The release was remediated and the WDNR closed the case in July 2002. A copy of the Phase I ESA will be made available upon request.

**Section 1105.7(e)(8)(i) Biological Resources:** Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The Regional Director of U.S. Fish and Wildlife Service was contacted by letter on August 27, 2009, but no response has been received to date.

**Section 1105.7(e)(8)(ii):** State whether wildlife sanctuaries or refuges, National or State parks or forests be affected, and describe any effects.

No sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment as none exist along the right-of-way.

**Section 1105.7(e)(9)(i) Water:** Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed abandonment is consistent with applicable federal, state, or local water quality standards. Soo Line will take proper care during salvage activities to prevent any impact on water quality.

**Section 1105.7(e)(9)(ii):** Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

Because Soo Line will not discharge any dredged or fill materials within Underwood Creek, its tributaries, or adjacent wetlands, permits under Section 404 of the Clean Water Act are not required for the proposed action and no designated wetlands or 100-year flood plains will be adversely affected. Soo Line will consult with the U.S. Army Corps of Engineers before performing any work such as constructing access roads, staging areas, or disposal sites beyond the foot print of the existing ballast in the vicinity of any wetlands.

**Section 1105.7(e)(9)(iii):** State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the State Environmental Protection or Equivalent Agency if they are unsure whether such permits are required).

Because no in-stream salvage activities are contemplated, no permits under Section 402 of the Clean Water Act (NPDES permit requirements) are required.



The U.S. Army Corps of Engineers has advised that a permit pursuant to Section 10 of the Rivers and Harbors Act will not be required.

Section 1105.7(e)(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Soo Line does not anticipate any adverse effect to the environment. Accordingly, other than using appropriate care conducting salvage operations, no mitigation will be necessary.

Section 1105.7(e)(11) Additional Information for Rail Constructions: The following additional information should be included for rail construction proposals (including connecting track construction).

Not applicable.

Section 1105.8 Historic Reports: (a) An applicant proposing an action identified in § 1105.6(a) or (b), or an action in § 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

The Historic Report is attached as Exhibit No. 5.

Section 1105.9 Coastal Zone Management Act Requirements: If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) applicant must comply with the following procedures.

Not applicable.

END OF REPORT

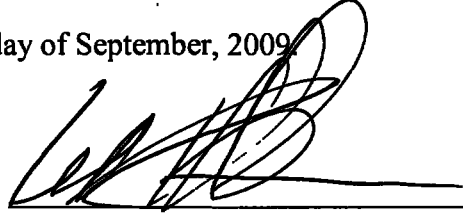
**Exhibit No. 1**

**Certificate of Service of Environmental and Historic Report  
and List of Parties Consulted**

**CERTIFICATE OF SERVICE OF ENVIRONMENTAL AND HISTORIC REPORTS**

I hereby certify that on September 14, 2009, I served the Environmental Report and Historic Report relative to STB Docket No. AB-57 (Sub-No. 58X), pursuant to 49 C.F.R. §§ 1152.50; 1105.7(b), (c); and 1105.11, by First Class U.S. Mail properly addressed and with postage prepaid upon the parties listed on the attached List of Parties Consulted.

Dated at Minneapolis, Minnesota this 14th day of September, 2009.

  
\_\_\_\_\_  
W. Karl Hansen

**ENVIRONMENTAL & HISTORIC REPORTS**  
**WEST ALLIS, WI ABANDONMENT**  
**STB DOCKET NO. AB-57 (SUB-NO. 58X)**  
**LIST OF PARTIES CONSULTED**

Parties consulted in preparing Environmental and Historical Reports - Soo Line Railroad Company (d/b/a Canadian Pacific Railway) - Abandonment of Line of Railroad running from Milepost 94.04 +/- (just southeast of Watertown Plank Road) to Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road) in Waukesha and Milwaukee Counties, State of Wisconsin which traverses through United States Postal Service Zip Codes 53005, 53122, and 53226:

**FEDERAL AGENCIES CONSULTED**

**Appropriate Regional Office(s) of the**  
**U.S. Environmental Protection Agency**

Mr. Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3507  
Tel. (312) 353-2000

**U.S. Fish and Wildlife Service**

Mr. Tom Melius  
Regional Director  
(Region 3)  
U.S. Fish and Wildlife Service  
One Federal Drive  
Fort Snelling, MN 55111-4056  
Tel. (651) 713-5360

**U.S. Army Corps of Engineers - Detroit, MI District Office**

Lieutenant Colonel James B. Davis  
District Commander, Detroit District  
U.S. Army Corps of Engineers  
477 Michigan Avenue  
Detroit, MI 48226  
Tel. (313) 226-6413

**National Park Service**

Mr. Ernie Quintana  
Regional Director  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226  
Tel. (402) 661-1524

**U.S. Soil and Conservation Service**

USDA Natural Resources Conservation Service  
8030 Excelsior Drive, Suite 200  
Madison, WI 53719-2906  
Tel. (608) 662-4422

**National Geodetic Survey and U.S. Geological Survey**

Ms. Juliana Blackwell  
Director  
National Geodetic Survey  
NOAA, N/NGS 12  
SSMC-3, #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282  
Tel. (301) 713-3242

Ms. Suzette M. Kimball  
Acting Director  
U.S. Geological Survey Headquarters  
John W. Powell Federal Building  
12201 Sunrise Valley Drive  
Reston, VA 20192  
Tel. (703) 648-7411

**STATE AGENCIES CONSULTED**

**State Clearinghouse**

Wisconsin Department of Administration  
IGA relations  
101 East Wilson Street, 6th Floor  
P.O. Box 7868  
Madison, WI 53707-7868

State Department of Transportation for Wisconsin

Mr. Frank Busalacchi  
Secretary  
Wisconsin Department of Transportation  
Hill Farms State Office Building  
4802 Sheboygan Avenue  
P.O. Box 7910  
Madison, WI 53707-7999

State Environmental Protection Agency for Wisconsin

Wisconsin Department of Natural Resources  
101 South Webster Street  
Madison, WI 53707-7921

State Water Quality Official

Section Chief Bob Masnado  
Water Evaluation Section  
Wisconsin Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921  
Telephone: (608) 267-7662

State Historic Preservation Office for Wisconsin

Wisconsin Historical Society  
816 State Street  
Madison, WI 53706  
Tel. (608) 264-6400

State Coastal Zone Management Agency

Wisconsin Coastal Management Program  
P.O. Box 8944  
101 East Wilson Street  
Madison, WI 53708-8944  
Tel. (608) 267-7982

**Other Political Entities and/or Indian Reservations through which the line runs**

**WAUKESHA COUNTY**

**Chief Executive**

County Administrator  
Department of Administration  
1320 Pewaukee Road, Room 320  
Waukesha, WI 53188  
Tel. (262) 548-7020

**MILWAUKEE COUNTY**

**Chief Executive**

County Executive Scott Walker  
901 N. 9th Street  
Courthouse, Room 306  
Milwaukee, WI 53233-1458  
Tel. (414) 278-4211

**Regional Railroad Authority**

Southeastern Wisconsin Regional Transit Authority  
W239 N1812 Rockwood Drive  
P.O. Box 1607  
Waukesha, WI 53187-1607

**CITY OF WAUWATOSA**

City of Wauwatosa  
7725 West North Avenue  
Wauwatosa, WI 53213  
Telephone: (414) 471-8484

**VILLAGE OF ELM GROVE**

Village of Elm Grove  
Department of Building, Planning and Zoning  
13600 Juneau Boulevard  
Elm Grove, WI 53122  
Telephone: (262) 782-6700

**Exhibit No. 2**

**Certification of Publication of Newspaper Notice in Newspapers of General Circulation in  
Counties where Line is Situated and Affidavit of Publication**

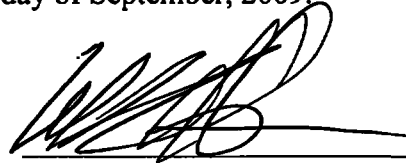
**(49 C.F.R. Section 1105.12)**



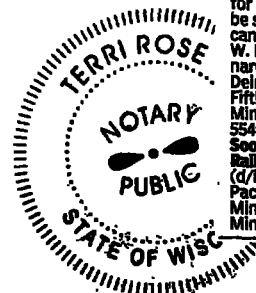
CERTIFICATE OF PUBLICATION OF PUBLIC NOTICE  
IN NEWSPAPER OF GENERAL CIRCULATION

I hereby certify that relative to STB Docket No. AB-57 (Sub-No. 58X), pursuant to 49 C.F.R. Sections 1152.50 and 1105.12, a public legal notice was published on September 3, 2009 in the *Milwaukee Journal Sentinel* which is a newspaper of general circulation where the subject trackage is located.

Dated at Minneapolis, Minnesota this 14th day of September, 2009.

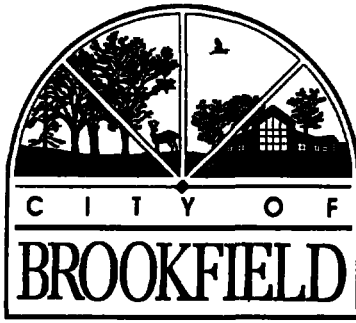
A handwritten signature in black ink, appearing to read 'W. Karl Hansen', is written over a horizontal line.

W. Karl Hansen



**Exhibit No. 3**

**Responses to Environmental Scoping Correspondence Sent August 27, 2009**



**JEFF R. SPEAKER**  
**Mayor**

September 4, 2009

Mr. W. Karl Hansen  
Leonard, Street and Deinhard  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402

Re: 124<sup>th</sup> Street & Bluemound Road Neighborhood Plan Area – Railroad line: Brookfield, WI

Dear Mr. Hansen:

This letter is in response to a letter from W. Karl Hansen dated August 27, 2009. The following information provides background on the City's perspectives on this matter.

In February 2007, the City of Brookfield, Wisconsin adopted a neighborhood plan for the 124th Street and Bluemound Road area. This neighborhood plan looks into the future and establishes guidelines and steps to take for the redevelopment of the area.

Under this plan, the 124th Street and Bluemound Road area will serve as an eastern "gateway" into the City of Brookfield and the plan establishes a preference for types of businesses, building design, and infrastructure design (i.e. the future of the rail line, streets, paths, etc.) that implement the City of Brookfield's *2020 Master Plan*.

Below are excerpts from the *124<sup>th</sup> and Bluemound Neighborhood Plan: Node Land Use and Transportation Plan* that describe and support the removal of the rail line that crosses Bluemound Road from the City of Brookfield and into the Village of Elm Grove.

1. Goal and Vision statement from page 4.
  - a. *The 124th Street and Bluemound Road neighborhood will have a mix of retail, office, multiple family, recreational, and open space land uses; incorporate bicycle, pedestrian, non-rail transit and automobile transportation in a variety of circulation options that respects and mitigates the impacts on the surrounding neighborhood; and builds upon and complements the architectural design features of the Columbia Gardens Subdivision and the new Bluemound Road shopping center in the Village of Elm Grove.*
2. Implementation: Summary of High Priority Steps section B.3 from pages 19 and 23
  - a. *Begin process to vacate rail spur (developer) page 19*
  - b. *Rail. The developer of the Quebecor site should attempt to vacate the railroad spur that exists in the study area. The property owner/developer of the Quebecor site should contact CP Rail to determine the steps and costs necessary to remove all rail facilities and structures, including the signalized crossing at Bluemound Road. Page 23.*



W. Karl Hansen  
September 4, 2009  
Page 2 of 2

As stated previously, the City of Brookfield supports the removal of the aforementioned rail and rail spur. If you have any comments or questions, please feel free to contact my office (262-782-9650) or the Department of Community Development (262-796-6695).

Sincerely,  
CITY OF BROOKFIELD

A handwritten signature in black ink, appearing to read "Jeff R. Speaker". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeff R. Speaker  
Mayor

c: Tom Grisa, Director of Public Works  
Daniel F. Ertl, Director of Community Development  
Village of Elm Grove Clerk  
US Surface Transportation Board  
Project file  
City Clerk



**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**190 FIFTH STREET EAST**  
**ST. PAUL, MN 55101-1638**

September 11, 2009

REPLY TO

Operations  
Regulatory (2009-04092-DJP)

Mr. W. Karl Hansen  
Leonard. Street, and Denard  
150 South Fifth Street, Ste. 2300  
Minneapolis, Minnesota 55402

Dear Mr. Hansen:

This is in response to your letter dated August 27, 2009, requesting Corps of Engineers comment for the Soo Line Railroad Company/Canadian Pacific Railway proposed abandonment of a rail line in Waukesha and Milwaukee Counties, Wisconsin. Activities associated with the project include the removal of rails, ties, spikes, plates, railroad related utilities, and signaling devices. The ballast would remain in place.

Pursuant to Section 404 of the Clean Water Act, the Corps of Engineers has regulatory jurisdiction over the discharge of dredged and fill materials, including discharges associated with mechanical land clearing, in all waters of the United States, which includes most wetlands. In addition, the Corps regulates all work in navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act.

Our review of the topographic map provided with your August 27, 2009, letter indicates that Underwood Creek and its tributaries are located within the boundaries of the Site Location. Underwood Creek and its tributaries at the location shown on the topographic map are not navigable waters of the United States. Therefore, a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act would not be required.

A review of a 2005 aerial photograph and the Wisconsin Wetland Inventory indicated that Underwood Creek, tributaries to Underwood Creek, and their adjacent wetlands are located near and within the Site Location identified. Underwood Creek, its tributaries, and their adjacent wetlands near and within the Site Location are waters of United States. Therefore, any discharge of dredged or fill materials within Underwood, Creek, its tributaries, and/or adjacent wetlands would require a Department of the Army permit pursuant to Section 404 of the Clean Water Act. A copy of the 2005 aerial photograph with wetlands identified on the Wisconsin Wetland Inventory is attached.

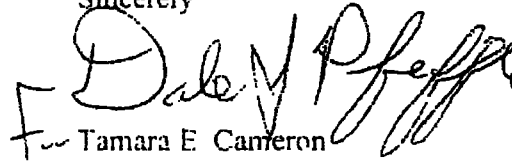
If work, such as constructing access roads, staging areas, disposal sites, etc., is proposed beyond the foot print of the existing ballast in the vicinity of the mapped wetlands, we recommend that the Corps be contacted prior to commencing work.

Operations  
Regulatory (2009-04092-DJP)

- 2 -

If you have any questions, contact Dale Pfeiffle in our Waukesha office at (262) 547-0868. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely

  
For Tamara E. Cameron  
Chief, Regulatory Branch

Copy furnished:

Gerri Radermacher, WDNR, Waukesha, WI

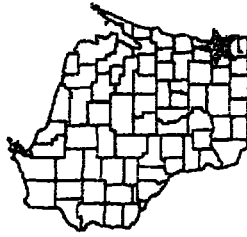
# Soo Line Abandonment



0 600 1200 1800 ft.

This map is a user generated static output from an Internet mapping site, and is for general reference only. Data layers that appear on this map may or may not be accurate. This map is NOT TO BE USED FOR NAVIGATION.

Photo's 2005 Photo with WI Wetland Inventory



## Legend

- Major Highways
  - Interstate
  - State Highway
  - U.S. Highways
  - County Roads
  - Local Roads
- 24K County Boundaries
- Civil Towns
- Civil Town
- DNR Wetland Points
- Excavated Pond
- Dammed Pond
- Wetland Too Small to Delineate
- Filled Excavated Pond
- Filled Dammed Pond
- Filled Wetland Too Small to Delineate
- DNR Wetland Areas
- Upland
- Filled or drained wetland
- Wetland
- 24K Open Water
- 24K Rivers and Shorelines
- Intermittent
- Perennial



Scale 1:6,085



**Exhibit No. 4**

**Environmental Scoping Correspondence Required By 49 C.F.R. Section 1105.7(b)**

LEONARD  
STREET  
AND  
DEINARD

150 SOUTH FIFTH STREET SUITE 2300  
MINNEAPOLIS, MINNESOTA 55402  
612-335-1500 MAIN  
612-335-1657 FAX

W. KARL HANSEN  
612-335-7088 DIRECT  
KARL.HANSEN@LEONARD.COM

August 27, 2009

VIA U.S. MAIL

To: Attached List of Parties Consulted

**Re: Request for Comments on Potential Environmental Impact of Proposed Rail Line Abandonment Located between Milepost 94.04 +/- (just southeast of Watertown Plank Road) to Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road) in Waukesha and Milwaukee Counties, Wisconsin (U.S. Postal Zip Codes 53122, 53005 and 53226) - STB Docket No. AB-57 (Sub-No. 58X)**

Dear Sir/Madam::

Soo Line Railroad Company ("Soo Line") d/b/a Canadian Pacific Railway on or about October 1, 2009, anticipates filing a Notice of Exemption to Abandon pursuant to 49 U.S.C. Section 10502 with the United States Department of Transportation – Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 4,458 feet of rail line located in Waukesha and Milwaukee Counties, Wisconsin. A map of the proposed abandonment is enclosed.

This proposed rail line abandonment notice of exemption requires review by the STB. I will be preparing an Environmental and Historic Report that will provide the basis of the environmental review that the STB's Section of Environmental Analysis (SEA) will conduct for this proceeding. In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of the potential environmental impact is essential. This letter is, therefore, intended to solicit your comments regarding the potential environmental impact, if any, of the proposed rail line abandonment.

Your comments on the potential impact of this abandonment will be incorporated into the Environmental Report to be filed on or about September 11, 2009. A copy of this report will be provided to you, after which additional comments can be submitted directly to the SEA.

As shown on the attached map, the line that is proposed to be abandoned is located between Milepost 94.04 +/- (just southeast of Watertown Plank Road) to Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road), a distance of approximately 4,458 feet, in Waukesha and Milwaukee Counties, Wisconsin. It traverses through U.S. Postal Zip Codes 53122, 53005 and 53226.

For purposes of evaluating the environmental impact that would result from abandonment of the line, the proposed action includes discontinuing freight service and salvaging equipment and materials that are present on the line.

The proposed abandonment consists of one inactive railroad track and the adjacent right-of-way, which extends 50 feet to each side of the track. The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

The Environmental Report for the proposed abandonment is being prepared pursuant to STB regulations (49 C.F.R. Chapter X, Part 1105) (copy of which is enclosed), the National Environmental Policy Act, 42 U.S.C. § 4332; the Energy Policy and Conservation Act, 42 U.S.C. § 6362(b); and related laws including the National Historic Preservation Act, 16 U.S.C. § 470f, the Coastal Zone Management Act, 16 U.S.C. § 1451, and the Endangered Species Act, 16 U.S.C. § 1531. Areas of concern that you and other interested parties are invited to address in your comments include any potential impact of the proposed action on the following:

- Local land use
- Existing local and regional transportation systems
- Energy use
- Air emissions and ambient air quality conditions
- Water quality and wetlands
- Biological resources including threatened or endangered species
- Ambient noise levels
- Public health safety
- Historic, cultural, or archaeological sites listed or eligible for inclusion on the National Register of Historic Places
- Socioeconomics, including local and regional employment

We are soliciting your comments with regard to: (1) any permitting/approval authority which your agency has over the proposed action, and (2) any specific concerns which you believe should be addressed in the STB environmental document prepared after our Report is submitted. As required by applicable STB regulations (49 C.F.R., Chapter X, Part 1105.7(e)(9)(iii)) and Part 1105.7(c), we also request that you comment on and describe the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency.

Specifically, the Board's regulations state that, with respect to the area of concern within the jurisdiction of your agency, Soo Line must address the following:

"49 C.F.R. Part 1105.7(e)(4)(i)-(iv) Energy:

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Section 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Section 1105.7(e)(4)(iv) is required."

"49 C.F.R. Part 1105.7(e)(5)(ii) Air:

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act."

"49 C.F.R. Part 1105.7(e)(6)(ii) Noise:

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed."

August 27, 2009

Page 4

“49 C.F.R. Part 1105.7(e)(7)(iii) Safety:

(iii) If there are known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.”

“49 C.F.R. Part 1105.7(e)(9)(i), (ii), & (iii) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)” (emphasis added)

Any written comments should be submitted to the undersigned. They will be appended to the Environmental Report being submitted to the STB if received prior to September 11, 2009. Thereafter, please submit them directly to the Section of Environmental Analysis as follows: SEA, Surface Transportation Board, 1925 K Street NW, Washington D.C. 20423-0001, or by calling that office at (202) 565-1526, and forward a copy to the undersigned.

Any comments or information that you provide will be included in Soo Line’s Environmental Report and will be considered by the STB in the preparation of the draft environmental document and in its evaluation of the overall environmental and energy impact of the proposed action. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

Thank you very much for your assistance.

Very truly yours,

LEONARD, STREET AND DEINARD



W. Karl Hansen

Enclosures

DRAFTER: LMB

APPROVED

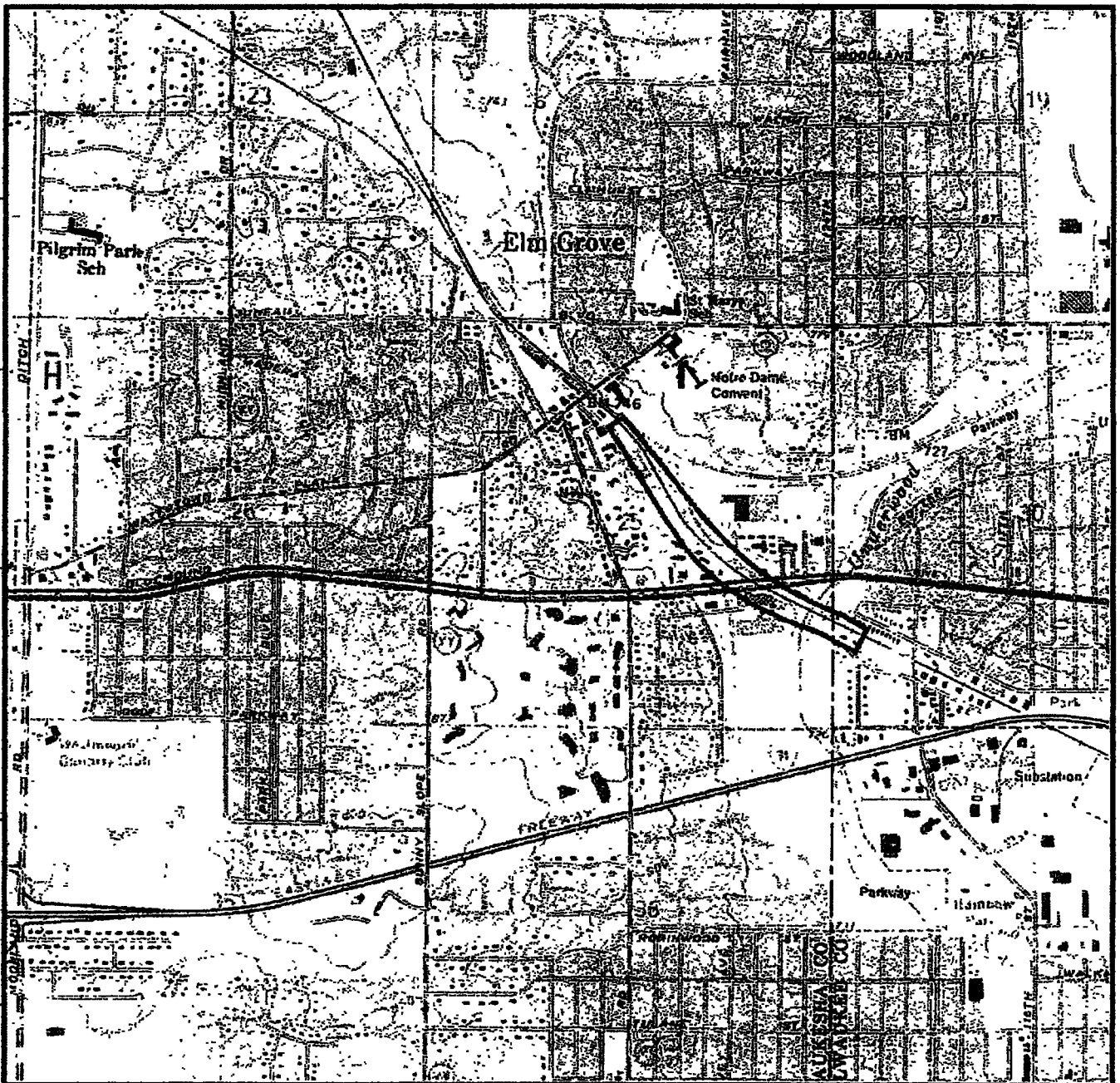
CHECKED: DMG

DRAWING: SITE LOCAL

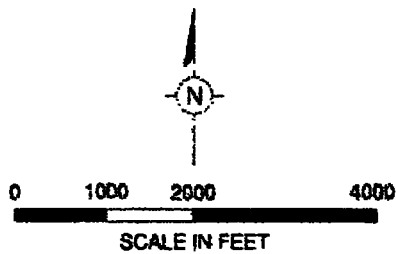
FILE NO: GRAPHICS

PN: CPRAILW1208WEST ALLIS LINE

DWG DATE: 30JUL09



SOURCE: USGS 7.5 Minute Topographic Map, WAUWATOSA, WISCONSIN Quadrangle, 1994



 SITE LOCATION



### SITE LOCATION MAP

CANADIAN PACIFIC  
WEST ALLIS LINE  
WAUWATOSA AND ELM GROVE, WISCONSIN

FIGURE

1

**ENVIRONMENTAL & HISTORICAL REPORT**  
**WEST ALLIS, WI ABANDONMENT**  
**S.T.B. DOCKET NO. AB-57 (SUB-NO. 58X)**  
**LIST OF PARTIES CONSULTED**

Parties consulted in preparing Environmental and Historical Reports - Soo Line Railroad Company (d/b/a Canadian Pacific Railway) - Abandonment of Line of Railroad running from Milepost 94.04 +/- (just southeast of Watertown Plank Road) to Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road) in Waukesha and Milwaukee Counties, State of Wisconsin which traverses through United States Postal Service Zip Codes 53122, 53005 and 53226

**FEDERAL AGENCIES CONSULTED**

**Appropriate Regional Office(s) of the  
U.S. Environmental Protection Agency**

Mr. Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604-3507  
Tel. (312) 353-2000

**U.S. Fish and Wildlife Service**

Mr. Tom Melius  
Regional Director  
(Region 3)  
U.S. Fish and Wildlife Service  
One Federal Drive  
Fort Snelling, MN 55111-4056  
Tel. (651) 713-5360

**U.S. Army Corps of Engineers - Detroit, MI District Office**

Lieutenant Colonel James B. Davis  
District Commander, Detroit District  
U.S. Army Corps of Engineers  
477 Michigan Avenue  
Detroit, MI 48226  
Tel. (313) 226-6413

National Park Service

Mr. Ernie Quintana  
Regional Director  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226  
Tel. (402) 661-1524

U.S. Soil and Conservation Service

USDA Natural Resources Conservation Service  
8030 Excelsior Drive, Suite 200  
Madison, WI 53719-2906  
Tel. (608) 662-4422

National Geodetic Survey and U.S. Geological Survey

Ms. Juliana Blackwell  
Director  
National Geodetic Survey  
NOAA, N/NGS 12  
SSMC-3, #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282  
Tel. (301) 713-3242

Ms. Suzette M. Kimball  
Acting Director  
U.S. Geological Survey Headquarters  
John W. Powell Federal Building  
12201 Sunrise Valley Drive  
Reston, VA 20192  
Tel. (703) 648-7411

**STATE AGENCIES CONSULTED**

State Clearinghouse

Wisconsin Department of Administration  
IGA relations  
101 East Wilson Street, 6th Floor  
P.O. Box 7868  
Madison, WI 53707-7868



State Department of Transportation for Wisconsin

Mr. Frank Busalacchi  
Secretary  
Wisconsin Department of Transportation  
Hill Farms State Office Building  
4802 Sheboygan Avenue  
P.O. Box 7910  
Madison, WI 53707-7999

State Environmental Protection Agency for Wisconsin

Wisconsin Department of Natural Resources  
101 South Webster Street  
Madison, WI 53707-7921

State Water Quality Official

Section Chief Bob Masnado  
Water Evaluation Section  
Wisconsin Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921  
Madison, WI 53707-7921  
Telephone: (608) 267-7662

State Historic Preservation Office for Wisconsin

Wisconsin Historical Society  
816 State Street  
Madison, WI 53706  
Tel. (608) 264-6400

State Coastal Zone Management Agency

Wisconsin Coastal Management Program  
P.O. Box 8944  
101 East Wilson Street  
Madison, WI 53708-8944  
Tel. (608) 267-7982

**Other Political Entities and/or Indian Reservations through which the line runs**

**WAUKESHA COUNTY**

**Chief Executive**

County Administrator  
Department of Administration  
1320 Pewaukee Road, Room 320  
Waukesha, WI 53188  
Tel. (262) 548-7020

**MILWAUKEE COUNTY**

**Chief Executive**

County Executive Scott Walker  
901 N. 9th Street  
Courthouse, Room 306  
Milwaukee, WI 53233-1458  
Tel. (414) 278-4211

**Regional Railroad Authority**

Southeastern Wisconsin Regional Transit Authority  
W239 N1812 Rockwood Drive  
P.O. Box 1607  
Waukesha, WI 53187-1607

**CITY OF WAUWATOSA**

City of Wauwatosa  
7725 West North Avenue  
Wauwatosa, WI 53213  
Telephone: (414) 471-8484

**VILLAGE OF ELM GROVE**

Village of Elm Grove  
Department of Building, Planning and Zoning  
13600 Juneau Boulevard  
Elm Grove, WI 53122  
Telephone: (262) 782-6700

**Exhibit No. 5**  
**Historic Report**

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

---

SOO LINE RAILROAD COMPANY –	)	
ABANDONMENT OF TRACKAGE	)	
LOCATED IN WAUKESHA AND	)	DOCKET NO. AB-57
MILWAUKEE COUNTIES, WISCONSIN	)	(SUB-NO. 58X)
	)	

---

VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
A 4,458 +/- FOOT LINE OF RAILROAD BETWEEN MILEPOST 94.04 +/- (SOUTHEAST  
OF WATERTOWN PLANK ROAD) AND MILEPOST 93.2 +/- (APPROXIMATELY 1,100  
FEET SOUTHEAST OF WEST BLUEMOUND ROAD) WHICH TRAVERSES THROUGH  
UNITED STATES POSTAL SERVICE ZIP CODES 53005, 53122, AND 53226 IN  
WAUKESHA AND MILWAUKEE COUNTIES, WISCONSIN

---

HISTORIC REPORT  
IN COMPLIANCE WITH  
49 C.F.R. SECTION 1105.8

---

SOO LINE RAILROAD COMPANY  
d/b/a Canadian Pacific Railway)

LEONARD, STREET and DEINARD  
Professional Association  
W. Karl Hansen  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
Tel. (612) 335-7088  
Fax. (612) 335-1657

Attorney for Applicant  
Service Date: September 14, 2009

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.**

---

SOO LINE RAILROAD COMPANY –	)	
ABANDONMENT OF TRACKAGE	)	
LOCATED IN WAUKESHA AND	)	DOCKET NO. AB-57
MILWAUKEE COUNTIES, WISCONSIN	)	(SUB-NO. 58X)
	)	

---

**HISTORIC REPORT**

Pursuant to 49 C.F.R. Sections 1105.7(e) and 1105.8, Soo Line Railroad Company hereby submits the following Historic Report regarding the Verified Notice of Exemption to Abandon a 4,458 +/- foot line of railroad between Milepost 94.04 +/- (southeast of Watertown Plank Road) and Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road) which traverses through United States Postal Service Zip Codes 53005, 53122, and 53226 in Waukesha and Milwaukee Counties, Wisconsin.

Section 1105.8(c) Distribution: The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

See Certificate of Service effecting service on September 14, 2009, attached as Exhibit No. 1 to Environmental Report.

Section 1105.8(d)(1)-(8) Content: The Historic Report should contain the information required by § 1105.7(e)(1) (Environmental Report - See Preceding Report) and the following additional historic information:

Section 1105.8(d)(1) U.S.G.S. Topographic Maps: A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

See Appendix A.

Section 1105.8(d)(2) Right-of-Way: A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The subject property consists of one inactive railroad track and the adjacent right-of-way with an average width of 100 feet. The subject property is located in a primarily commercial, residential, and limited industrial area of Wauwatosa and Elm Grove, Wisconsin. The topography is generally flat.

**Section 1105.8(d)(3) Photographs:** Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

See Appendix B.

**Section 1105.8(d)(4):** The dates of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

The two railroad trestles on the line were constructed before 1918. Bridge C18 at Milepost 93.30 is a three-span steel open deck plate girder construction. Bridge C18.5 at Milepost 93.80 is a three-span concrete ballasted deck plate girder construction. Other than routine maintenance, neither bridge has undergone major alteration since Soo Line acquired the property in the mid-1980s. The most recent major repairs to the structures occurred in 1982 for Bridge C18 and in 1985 for Bridge C18.5. Soo Line's salvage operations will be limited to removal of the tracks and track materials from the bridges.

**Section 1105.8(d)(5) History:** A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The trackage was originally developed in 1864 by the Milwaukee and St. Paul Railroad Company, which later became the Chicago Milwaukee St. Paul and Pacific Railroad Company. Soo Line acquired the line in 1985. Historically, the rail line was used primarily for railroad operations and maintenance. Because the line has been out of service for more than two years, no changes are contemplated as a result of the proposed action.

**Section 1105.8(d)(6) Documents:** A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

The carrier's files consist primarily of maps and photos of the line, some engineering drawings, and maintenance records.

**Section 1105.8(d)(7) Opinion:** An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

It is the opinion of the railroad that this line would not meet the criteria for listing in the National Register of Historic Places. The Wisconsin Historical Society was contacted by letter on August 27, 2009, but no response has been received to date.

Section 1105.8(d)(8) Archaeological Resources: A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

There are no known ground disturbances or fills other than those which would have occurred during original construction of this line and any subsequent maintenance or rehabilitation. There are no known toxic waste areas within the right-of-way of this railroad line.

The following excerpt from ICC document *Assessment of Environmental Impacts Associated with Railroad Abandonment Proposals* discusses archeological evaluations:

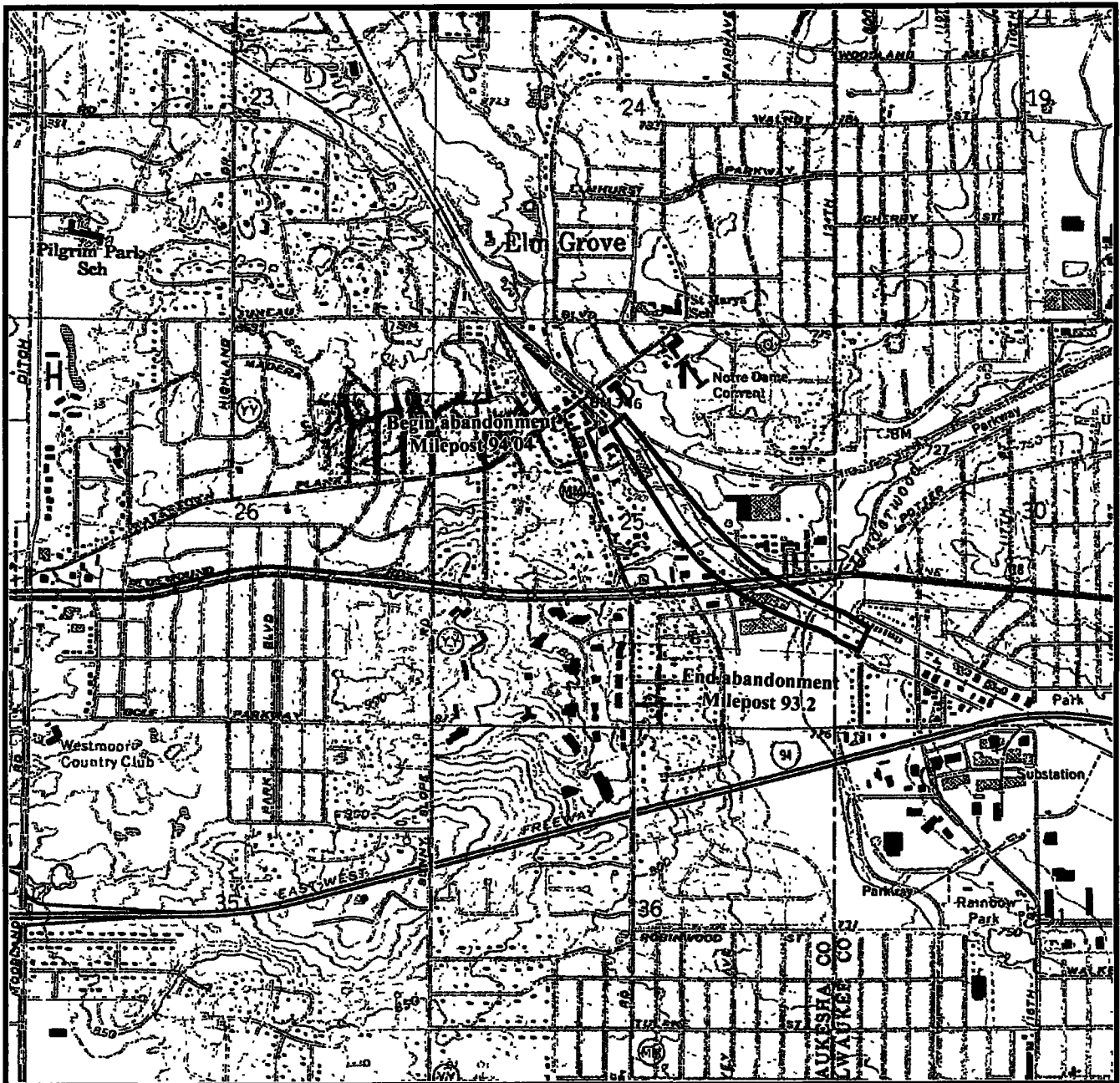
“Salvaging an abandoned railroad line is normally confined to the limits of the right of way and rarely involves major excavation work. If the right of way is to be leveled at all, only the roadbed built up during actual construction of the line would be affected. It is unlikely that there are any historic track structures under the roadbed since old rails and ties are salvaged during maintenance and rehabilitation operations. Likewise, there is usually neither significant damage to the vegetation found within the right of way nor any effect on land adjacent to the railroad property. By confining salvage operations of a rail line as discussed above, it is not anticipated that any archaeological sites in or immediately adjacent to the right of way, would be affected by the abandonment.”

END OF REPORT

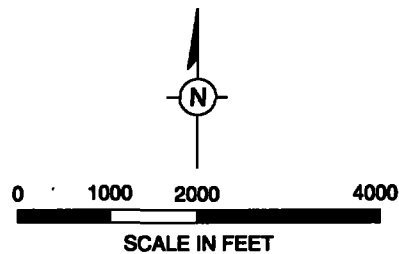
**Appendix A**  
**U.S.G.S. Topographic Map**



**Soo Line Railroad Company – Abandonment Waukesha  
and Milwaukee Counties, Wisconsin  
STB Docket No. AB 57 (Sub No. 58X)**



SOURCE: USGS 7.5 Minute Topographic Map, WAUWATOSA, WISCONSIN Quadrangle, 1994



 **SITE LOCATION**



**SITE LOCATION MAP**

CANADIAN PACIFIC  
WEST ALLIS LINE  
WAUWATOSA AND ELM GROVE, WISCONSIN

**FIGURE**

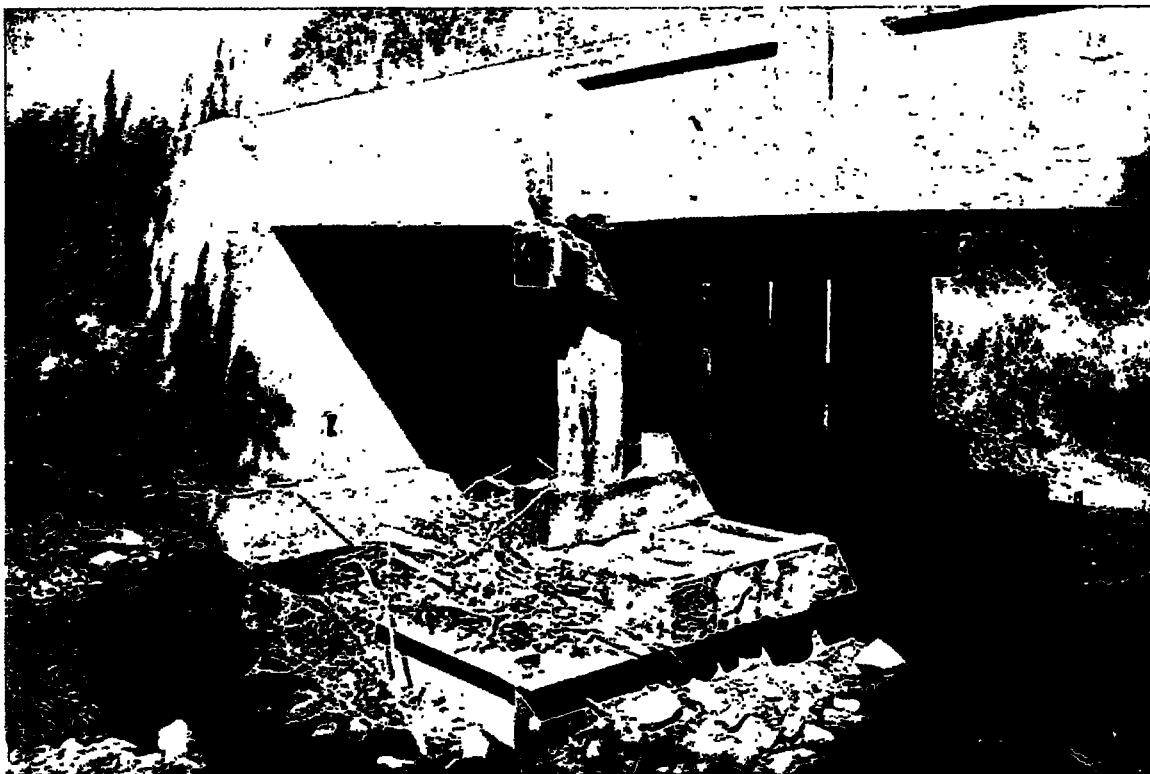
**1**

## **Appendix B**

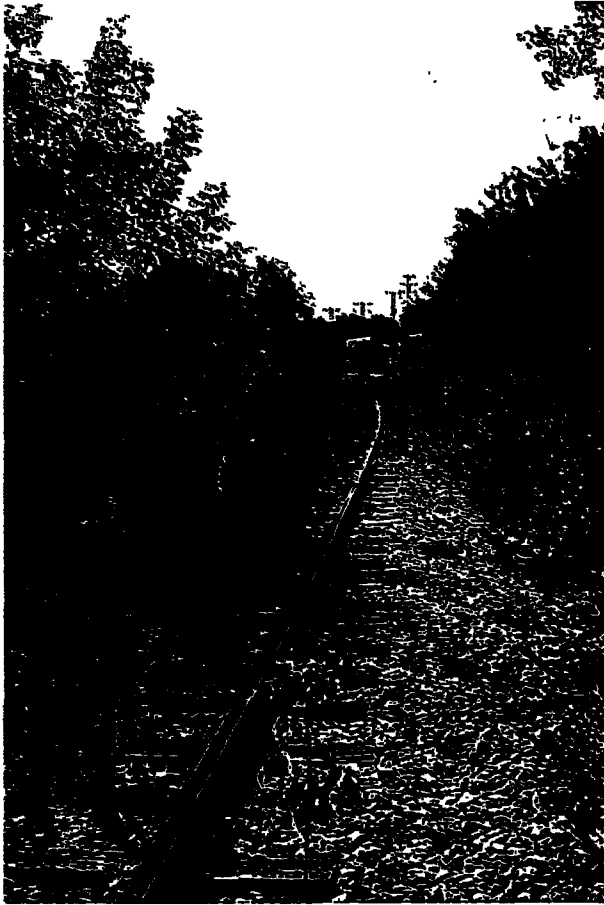
### **Photographs of Railroad Structures and the Immediately Surrounding Area**



Bridge C18 – Milepost 93.30



Bridge C18.5 – Milepost 93.80



**Photo No.: 1**

**Date: July 27, 2009**

**Direction: Southeast**

**Description: View of Subject Property approximately 500 feet north of Bluemound Road.**

**Photo No.: 2**

**Date: July 27, 2009**

**Direction: Southeast**

**Description: View of Subject Property near the approximate crossing of a 16-inch petroleum pipeline owned by West Shore Pipe Line.**



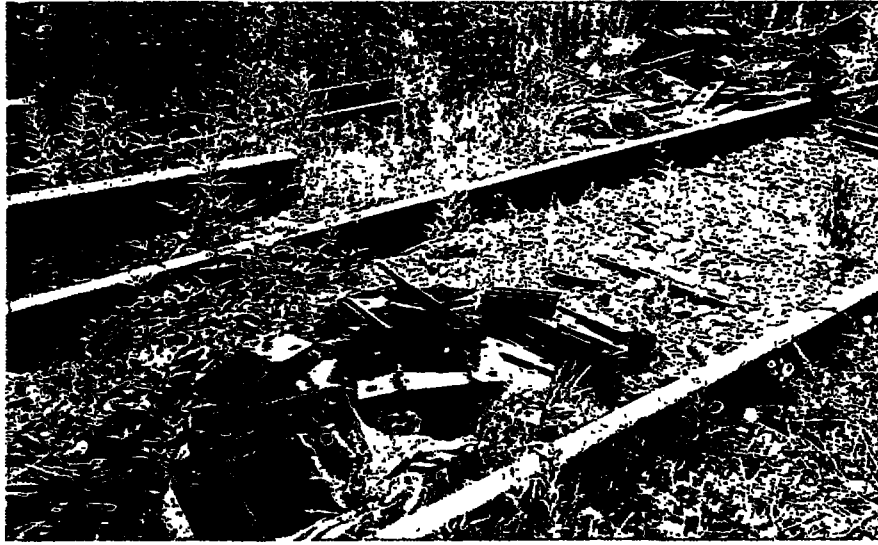


Photo No.: 3

Date: July 27, 2009

Direction: East

Description: Scrap materials located on the Subject Property near the intersection of Wall Street and railroad tracks.



Photo No.: 4

Date: July 27, 2009

Direction: East

Description: Scrap materials located on the Subject Property approximately 800 feet south of Milepost 95.

DRAFTER: LMB

APPROVED:

CHECKED: CB

DRAWING: PHOT\_PG\_3.AI

FILE NO.: GRAPHICS

PN: CPRAILW11208WEST ALLIS LINE

DWG DATE: 31 JUL 09

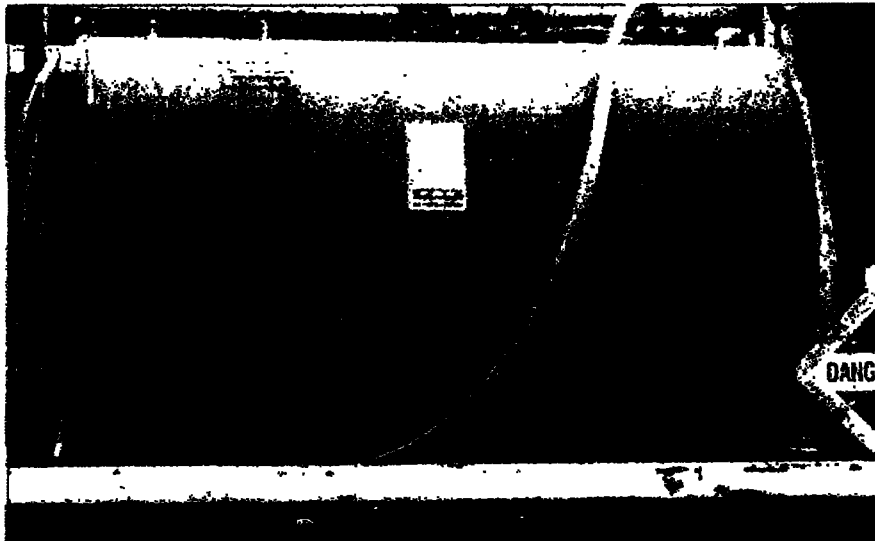


Photo No.: 5

Date: July 27, 2009

Direction: East

Description: 500 gallon diesel AST mounted on a rail car located on the Subject Property near the intersection of Wall Street and railroad tracks.



Photo No.: 6

Date: July 27, 2009

Direction: West

Description: Storm water culvert on the Subject Property, crossing under the track and connecting to Underwood Creek east of the track. Approximately 900 feet north of Bluemound Road.



Photo No.: 7

Date: July 29, 2009

Direction: North

Description: View of Telco property (REC #4) and Subject Property from Bluemound Road. The Subject Property is visible to the left.



Photo No.: 8

Date: July 27, 2009

Direction: Southeast

Description: View of former Quebecor World facility (REC #2) and Subject Property from Bluemound Road. The Subject Property is visible to the left.



**Photo No.: 9**

**Date: July 27, 2009**

**Direction: South**

**Description: View of TAPCO facility (REC #3) from the Subject Property at the intersection of Wall Street and railroad tracks.**



**Photo No.: 10**

**Date: July 27, 2009**

**Direction: Northeast**

**Description: ASTs containing diesel and gasoline at the Elm Grove Department of Public Works facility as viewed from the Subject Property.**





**Photo No.: 11**

**Date: July 27, 2009**

**Direction: South**

**Description: Rail car and caboose temporarily parked on Subject Property at time of site reconnaissance. One 500 gallon diesel AST and several cylinders of compressed acetylene were stored on rail car.**